

**UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

UNITED STATES OF AMERICA

-V-

**CASE No. 2:11CR223
JUDGE MICHAEL WATSON**

ARTHUR E, SCHLICHTER

**MOTION OF THE STATE OF OHIO TO INTERVENE IN FEDERAL
CRIMINAL CASE TO SECURE RESTITUTION FUNDS IN RELATED
STATE COURT CRIMINAL CASE**

Now comes the Franklin County Prosecuting Attorney on behalf of the State of Ohio in a related State court criminal case and moves the court for an Order that grants limited intervention in the federal criminal case for the purposes of securing partial restitution for victims in that state case, many of whom are also victims in this case, said motion without objection of the United States Attorney.

Respectfully submitted,

/s/ Ron O'Brien
Ron O'Brien
Supreme Court ID Number (#0017245)
Attorney for the Plaintiff, State of Ohio
Prosecuting Attorney
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MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

The defendant is serving concurrent state and federal sentences for a Theft and Fraud scheme where substantial restitution was ordered in both cases. Defendant received a NFL concussion settlement that has been deposited with the Clerk of this court. One party ordered restitution in this case was a state court co-defendant of Schlichter who also has a restitution order in state court under Case No.12CR-3274, judgment entry attached. That party in state court is due and owing from the restitution order in this case funds that the State of Ohio seeks to attach and have paid over to the Franklin County Clerk of Courts for the purposes of making restitution to the victims in that case, which again overlap with the Schlichter victims in this and the State court case. The partial intervenor State of Ohio represents to the Court that Bethany Hamilton, Assistant United States Attorney, has stated that the United States does not object to this motion, and the State will serve a copy of this motion to William Loveland, counsel for the party to whom the restitution is owed in this case, as well as current counsel for Schlichter, Stephen Palmer, along with Bethany Hamilton, Assistant U.S. Attorney.

/s/ Ron O'Brien

Ron O'Brien
Supreme Court ID Number (#0017245)
Attorney for the State of Ohio
Franklin County Prosecuting Attorney

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing has been forwarded via electronic mail to Bethany Hamilton, Stephen Palmer, and William Loveland, counsel as noted above, this 16th day of June, 2020.

/s/ Ron O'Brien

Ron O'Brien
Franklin County, Ohio
Prosecuting Attorney

#0017245

58078 - D33

**IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CRIMINAL DIVISION**

STATE OF OHIO,

Plaintiff,

vs.

ANITA L. BARNEY,

Defendant.

TERMINATION NO. 12 BY: FM

CASE NO. 12CR-07-3274

JUDGE HORTON

FILED
COMMON PLEAS COURT
FRANKLIN COUNTY, OHIO
2012 SEP 11 AM 9:21
CLERK OF COURTS

**JUDGMENT ENTRY
(Community Control Imposed)**

On July 2, 2012, the State of Ohio was represented by Assistant Prosecuting Attorney Ron O'Brien and Jason Moore and the Defendant was represented by counsel, William Loveland, Esq. The Defendant, after being advised of her rights pursuant to Crim. R. 11, entered pleas of **guilty to Counts One and Two** of the indictment, to-wit: **THEFT**, in violation of Section 2913.02 of the Ohio Revised Code, **felonies of the 4th degree**.

The Court found the Defendant guilty of the charges to which the pleas were entered and proceeded immediately to sentencing. The Assistant Prosecuting Attorney and the Defendant's attorney did not jointly recommend a sentence.

On July 2, 2012, a sentencing hearing was held pursuant to R.C. 2929.19. The Court afforded counsel an opportunity to speak on behalf of the Defendant and addressed the Defendant personally, affording her an opportunity to make a statement on her own behalf in the form of mitigation and to present information regarding the existence or nonexistence of the factors the Court has considered and weighed.

The Court has considered the purposes and principles of sentencing set forth in R.C. 2929.11 and the factors set forth in R.C. 2929.12. In addition, the Court has weighed the factors as set forth in the applicable provisions of R.C. 2929.13 and R.C. 2929.14. The Court further finds that a prison term is not mandatory pursuant to R.C. 2929.13(F).

The Court hereby imposes a period of Community Control for **THREE (3) YEARS – BASIC SUPERVISION**. In addition to the provisions of R.C. 2951.02 and the general requirements of the Franklin County Adult Probation Department, as authorized by the Common Pleas Court and as given to the Defendant in writing, the Court imposes the following Community Control Sanctions (See R.C. 2925.15, R.C. 2929.16 and R.C. 2929.17): **THE DEFENDANT WILL ABIDE BY THE RULES AND REGULATIONS OF THE PROBATION DEPARTMENT. THE DEFENDANT SHALL PERFORM COMMUNITY SERVICE FOR ONE HUNDRED (100) HOURS.**

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The Court has considered the Defendant's present and future ability to pay a fine and financial sanction and briefs filed in consideration of restitution in this case. Pursuant to R.C. 2929.18, the Court hereby renders judgment for the following fine and/or financial sanctions: **DEFENDANT SHALL PAY A FINE IN THE AMOUNT OF \$5,000.00, COURT COSTS IN AN AMOUNT TO BE DETERMINED AND RESTITUTION IN THE TOTAL AMOUNT OF \$426,800.00. BREAKDOWN OF RESTITUTION IS AS FOLLOWS: \$20,000.00 TO DAVID FROGGATT, 10211 ALKIRE ROAD, GROVE CITY, OHIO 43123, \$10,000.00 TO THOMAS ELLIOTT, 5299 KNOTTING WOODS DRIVE, WESTERVILLE, OHIO 43081, \$30,000.00 TO CHARLES RUMA, 4020 VENTURE COURT, COLUMBUS, OHIO 43228, \$29,400.00 TO ART SIGNORE, 6097 HOLYWELL DRIVE, DUBLIN, OHIO 43017, \$11,000.00 TO ROBERT FINLEY, 6202 BALMORAL DRIVE, DUBLIN, OHIO 43017, \$30,000.00 TO DEAN HUGHES, 9482 PAGETT PLACE, POWELL, OHIO 43065, \$94,000.00 TO PATTY BRUNDIGE, 4872 CHATELAINE DRIVE, DUBLIN, OHIO 43017, \$33,000.00 TO HELEN HARGROVE, 442 FOX MEADOWS DRIVE, NORTHFIELD, ILLINOIS 60093, \$25,000.00 TO JOHN MCCARTHY, 1127 SEMINOLE EAST, UNIT 16C, JUPITER, FLORIDA 33477, \$20,000.00 TO VINCE CAREY, 802 WINGFOOT DRIVE, APT. A, JUPITER, FLORIDA 33458, \$30,000.00 TO FRANK ADAMS, 8682 S.E. DUNCAN STREET, HOBE SOUND, FLORIDA 33455, \$2,000.00 TO STEVE PHILLIPS, 5646 MARMION DRIVE, DUBLIN, OHIO 43016, \$30,000.00 TO NANCY NEAR, 27420 HIDDEN RIVER COURT, BONITA SPRINGS, FLORIDA 34134, \$10,000.00 TO GILDA BRUMFIELD, 3395 DEMPSEY ROAD, WESTERVILLE, OHIO 43081, \$5,000.00 TO GENE DEANGELO, 2451 BRIXTON ROAD, COLUMBUS, OHIO 43221, \$9,900.00 TO EDDIE POLINA, 7240 MUIRFIELD DRIVE, DUBLIN, OHIO 43017, \$12,000.00 TO JOSEPH YORK, 10255 BRAEMAR DRIVE, POWELL, OHIO 43065, \$15,000.00 TO SUSAN MUSICK, 1444 OAKVIEW DRIVE, COLUMBUS, OHIO 43235 AND \$10,500.00 TO JUNIOR HEINLIEN, 600 WESTFIELD TOWNSHIP ROAD 147, CARDINGTON, OHIO 43315.**

Following imposition of Community Control, the Court pursuant to R.C. 2929.19(B)(5) reminded Defendant orally and in writing what could happen if she violates Community Control. The Court further indicated that if the Defendant violates Community Control she will receive a specific prison term of **EIGHTEEN (18) MONTHS AS TO COUNT ONE AND EIGHTEEN (18) MONTHS AS TO COUNT TWO, TO RUN CONSECUTIVE WITH EACH OTHER, TO BE SERVED** at the OHIO DEPARTMENT OF REHABILITATION AND CORRECTION.

The Court has factually found that Defendant has **(- 0 -) days** of jail time credit up to and including this sentencing date.


TIMOTHY S. HORTON, JUDGE